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Docket No. 0708-4038
Express Mail No. EJ 606 936 927 US

27123

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL PURSUANT TO 37 C.F.R. § 1.53(d)**



COMMISSIONER FOR PATENTS
Box CPA
Washington, D.C. 20231

Inventor(s) Names and Addresses:

Prior Application
Examiner: Gabel, G.
Group Art Unit: 1641

- (1) Gerald Wagner
 970 Route 9N
 Upper Grandview, New York 10960
- (2)

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Additional inventors listed on a separate sheet.

1. This is a request for a Continuation/ Divisional Under 37 C.F.R. §1.53(d) of prior application serial no. 09/087,871, filed on June 2, 1998, and entitled :

AUTOMATED DIAGNOSTIC SYSTEM IMPLEMENTING IMMUNOASSAYS AND CLINICAL CHEMISTRY ASSAYS ACCORDING TO A REFLEX ALGORITHM

2. The following are enclosed herewith:
- | | | |
|--|-----------|-----------|
| <input type="checkbox"/> Preliminary Amendment | 01 FC:131 | 710.00 CH |
| | 02 FC:102 | 240.00 CH |
| | 03 FC:103 | 18.00 CH |
- Information Disclosure Statement
- Copies of References Cited in Information Disclosure Statement
3. REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

4. Please enter the Amendment/Request For Reconsideration After Final Rejection filed _____ in the above-identified parent application.
5. A Petition for Extension of Time and Fee therefor has been or is being filed in the parent application Serial No. 09/087,871 to extend the time for action in the parent application until February 2, 2001.
6. Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending and has been granted a filing date, so as to make this application co-pending with said parent application. Please use all the contents of the parent application file wrapper, including the drawings, as the basic papers for the new application.
7. The fees to be charged are to be based on the number of claims:
- a. remaining after entering the enclosed Amendment.
 - b. entered in the parent application as of the date of its abandonment.
 - c. remaining after entering the Amendment After Final Rejection filed _____ in the above-identified parent application.

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$710.00
Total Claims	21- 20 =	1x	\$18.00/ \$9.00	\$ 18.00
Independent Claims	6- 3 =	3x	\$80.00/ \$40.00	\$240.00
<input type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$270.00 (\$135.00)		\$ 0
				TOTAL: \$968.00

8. Small entity status is/has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$ _____.
9. A check in the amount of \$ _____ in payment of the CPA application filing fees is attached.
10. Charge fee to Deposit Account No. 13-4500 Order No. 0708-4038. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
11. The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency with the parent application, or credit any overpayment to Deposit Account No. 13-4500 Order No. 0708-4038. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
12. Priority of application Serial No. _____, filed on _____ in _____, is claimed under 35 U.S.C. §119.

13. The parent application is assigned of record to _____, Recorded on _____, Reel, Frame _____.
14. An assignment of the invention to _____ is attached along with the Assignment Recordation Form cover sheet.
15. A check in the amount of \$40.00 for recording the Assignment is attached.
16. The Power of Attorney was filed in the parent application.
17. A new Power of Attorney has been executed and is attached.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.



Dated: February 2, 2001

By:

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